

MINUTES OF THE NHSLC
DIVISION OF ENFORCEMENT & LICENSING AGENDA
FOR WEDNESDAY, MAY 12, 2010

1. SUSPENSIONS:

- a. Action Pending:

None
- b. Licensees Suspended For Non-Payment of Fines:

None
- c. Licensees Suspended For Non-Compliance of RSA 178:2 (Mandatory training within 45 calendar days of the issuance of liquor license):

None

2. HEARINGS:

None

3. WARNING LETTERS/FINES/SUSPENSIONS:

- a. Bouchaine Vineyards, 1075 Buchli Station, Napa, CA.
Direct Shipper Permit #8017033.
Licensed pursuant to RSA 178:27.
Cited for violation of RSA 178:27, V – failed to file a Direct Shipper Report by the 10th of the following month.
Date of violation: March 25, 2010.
Case #: 10-176-OF.
Recommendation: \$100 Administrative fine suspended twelve (12) months pending no like violation.
COMMISSION APPROVED.
- b. Four Quarters, 190 Walker Lane, Artemas, PA.
Direct Shipper Permit #8149533.
Licensed pursuant to RSA 178:27.
Cited for violation of RSA 178:27, V – failed to file a Direct Shipper Report by the 10th of the following month.
Date of violation: March 25, 2010.
Case #: 10-186-OF.
Recommendation: \$100 Administrative fine suspended twelve (12) months pending no like violation.
COMMISSION APPROVED.

- c. East Buffet, 93 Pleasant Street, Claremont, NH.
Restaurant On-Premise Cocktail Lounge License #1350003.
Licensed pursuant to RSA 178:22.
Cited for violation of RSA 179:5, I – served or sold alcoholic beverage to an underage person.
Date of violation: March 27, 2010.
Case #: 10-201-OF.
Recommendation: A \$500 administrative fine suspended for twelve (12) months pending no like violation, four (4) points shall be assessed to the liquor license, the license to sell alcohol shall be suspended for three (3) days and held in abeyance for twelve (12) months pending no like violation, and mandatory attendance at a Total Education in Alcohol Management (TEAM) seminar within thirty (30) days of adjudication for all servers and doormen.
COMMISSION APPROVED.
- d. Prince Michel Vineyard, 154 Winery Lane, Leon, VA.
Direct Shipper Permit #8057533.
Licensed pursuant to RSA 178:27.
Cited for violation of RSA 178:27, V – failed to file a Direct Shipper Report by the 10th of the following month.
Date of violation: February 22, 2010.
Case #: 10-113-OF.
Recommendation: \$100 Administrative fine suspended twelve (12) months pending no like violation.
COMMISSION APPROVED.

4. **NON-CONTESTED TITLE XIII VIOLATION FINES PAID IN FULL:**

- a. Alpine Road Winery, 230 Family Farm Road, Woodside, CA.
Direct Shipper Permit #8086733.
Licensed pursuant to RSA 178:27.
Cited for violation of RSA 178:27, V – failed to file a Direct Shipper Report by the 10th of the following month.
Date of violation: March 25, 2010.
Case #: 10-180-OF.
\$100 ADMINISTRATIVE FINE PAID.
COMMISSION APPROVED.
- b. Beijing Cuisine, 2650 Brown Avenue, Manchester, NH.
Restaurant On-Premise Cocktail Lounge License #1015103.
Licensed pursuant to RSA 178:22.
Cited for violation of RSA 179:51 – failed to maintain an orderly premise.
Date of violation: February 11, 2010.
Case #: 10-130-OF.
\$250 ADMINISTRATIVE FINE PAID.
COMMISSION APPROVED.
- c. Bellavance Beverages, 120 Northwest Blvd., Nashua, NH.
Wholesale Distributor License #280920.
Licensed pursuant to RSA 178:16.
Cited for violation of RSA 179:13, I – failed to report an overdue account.
Date of violation: October 24, 2009.
Case #: 10-202-OF.
\$250 ADMINISTRATIVE FINE PAID.
COMMISSION APPROVED.

- d. Breakfast Hill Golf Club, NH.
Golf Facility License #6004405.
Licensed pursuant to RSA 178:22, V(j).
Cited for violation of RSA 179:32, II – purchased beer from other than a holder of a wholesaler distributor license.
Date of violation: April 24, 2010.
Case #: 10-232-OF.
\$250 ADMINISTRATIVE FINE PAID.
COMMISSION APPROVED.
- e. Chichester Country Store, 257 Main Street, Chichester, NH.
Combination License #3242047.
Licensed pursuant to RSA 178:18.
Cited for violation of Liq. 704.01 – failed to renew liquor license thirty (30) days prior to expiration.
Date of violation: April 6, 2010.
Case #: 10-207-OF.
\$100 ADMINISTRATIVE FINE PAID.
COMMISSION APPROVED.
- f. Concord Lodge 12210 BPOE, PO Box 2278, Concord, NH.
Social Club License #8901.
Licensed pursuant to RSA 178:22, V(h).
Cited for violation of RSA 178:22, V(h)(1) – failed to file club financial report by the 15th of the following month.
Date of violation: March 2, 2010.
Case #: 10-141-OF.
\$100 ADMINISTRATIVE FINE PAID.
COMMISSION APPROVED.
- g. New Happy Garden Restaurant, 47 Hamel Drive, Manchester, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1224203.
Licensed pursuant to RSA 178:21.
Cited for violation of RSA 179:32, II – purchased beer from other than a holder of a wholesaler distributor license.
Date of violation: April 11, 2010.
Case #: 10-218-OF.
\$250 ADMINISTRATIVE FINE PAID.
COMMISSION APPROVED.
- h. Newmarket Eagles, 53 Main Street, Newmarket, NH.
Social Club License #12201.
Licensed pursuant to RSA 178:22, V(h).
Cited for violation of RSA 178:22, V(h)(1) – failed to file club financial report by the 15th of the following month.
Date of violation: March 29, 2010.
Case #: 10-190-OF.
\$100 ADMINISTRATIVE FINE PAID.
COMMISSION APPROVED.
- i. Paulie's Neighborhood Butcher, 38 Crystal Avenue, Derry, NH.
Combination License #3236747.
Licensed pursuant to RSA 178:18.
Cited for violation of Liq. 704.01 – failed to renew liquor license thirty (30) days prior to expiration.
Date of violation: April 12, 2010.
Case #: 10-175-OF.
\$100 ADMINISTRATIVE FINE PAID.
COMMISSION APPROVED.

- j. Peach Street Distillers, 1445 Kluge Avenue #2, Palisade, CO.
Direct Shipper Permit #8162633.
Licensed pursuant to RSA 178:27.
Cited for violation of RSA 178:27, V – failed to file a Direct Shipper Report by the 10th of the following month.
Date of violation: February 22, 2010.
Case #: 10-125-OF.
\$100 ADMINISTRATIVE FINE PAID.
COMMISSION APPROVED.
- k. Pimentos Restaurant & Lounge, 69 Water Street, Exeter, NH.
Restaurant Beverage and Wine License #1358603.
Licensed pursuant to RSA 178:20.
Cited for violation of Liq. 704.01 – failed to renew liquor license thirty (30) days prior to expiration.
Date of violation: April 27, 2010.
Case #: 10-205-OF.
\$100 ADMINISTRATIVE FINE PAID.
COMMISSION APPROVED.
- l. 7-Eleven, 2039 White Mountain Highway, North Conway, NH.
Combination License #3237047.
Licensed pursuant to RSA 178:18.
Cited for violation of Liq. 704.01 – failed to renew liquor license thirty (30) days prior to expiration.
Date of violation: March 2, 2010.
Case #: 10-137-OF.
\$100 ADMINISTRATIVE FINE PAID.
COMMISSION APPROVED.
- m. Van der Heyden Vineyard Winery, 4057 Silverado Trail, Napa, CA.
Direct Shipper Permit #8035533.
Licensed pursuant to RSA 178:27.
Cited for violation of RSA 178:27, V – failed to file a Direct Shipper Report by the 10th of the following month.
Date of violation: March 25, 2010.
Case #: 10-177-OF.
\$100 ADMINISTRATIVE FINE PAID.
COMMISSION APPROVED.
- n. Wooden Ships, Inc., 300 Park Avenue, Garden City Park, NY.
Direct Shipper Permit #8127333.
Licensed pursuant to RSA 178:27.
Cited for violation of RSA 178:27, V – failed to file a Direct Shipper Report by the 10th of the following month.
Cited for violation of Liq. 1103.01 – failed to pay an 8% fee.
Date of violations: March 25, 2010.
Case #: 10-183-OF.
\$100 ADMINISTRATIVE FINE PAID.
COMMISSION APPROVED.

5. **ALCOHOL/TOBACCO COMPLIANCE CHECKS SCHEDULED WITHIN NINETY (90) DAYS:**

Andover, NH;
Antrim, NH;
Barrington, NH;
Bennington, NH;
Boscawen, NH;
Bradford, NH;
Brookline, NH – tobacco;
Chichester, NH;
Conway, NH;

Deering, NH;
Epsom, NH;
Farmington, NH;
Francestown, NH;
Franklin, NH;
Greenfield, NH;
Greenville, NH;
Hancock, NH;
Henniker, NH;
Hill, NH;
Hillsborough, NH;
Hollis, NH – tobacco;
Hopkinton, NH;
Keene, NH;
Litchfield, NH;
Loudon, NH;
Lyndeborough, NH;
Manchester, NH;
Mason, NH;
Merrimack, NH;
Middleton, NH;
Milford, NH;
Milton, NH;
Mont Vernon, NH;
New Boston, NH;
New Ipswich, NH;
Newbury, NH;
Northwood, NH;
Peterborough, NH;
Pittsfield, NH;
Rochester, NH;
Salisbury, NH;
Sharon, NH;
Sutton, NH;
Temple, NH;
Warner, NH;
Weare, NH;
Webster, NH;
Wilmot, NH;
Wilton, NH;
Windsor, NH; and
Wolfeboro, NH.

6. **ALCOHOL COMPLIANCE CHECKS:**

Hampton:

- a. Hampton City Farms, 335 Lafayette Road, Hampton, NH.
Combination License #3114747.
Licensed pursuant to RSA 178:18.
Cited for violation of RSA 179:5, I - sold alcoholic beverage to a minor during a compliance check.
Date of violation: April 15, 2010.
Case #: 10-230-OF.
VERBAL WARNING, FOUR (4) POINTS ASSESSED TO THE LIQUOR LICENSE AND MANDATORY ATTENDANCE AT A MANAGEMENT TRAINING SEMINAR FOR A MANAGER WITHIN NINETY (90) DAYS OF THE DATE OF THE VIOLATION.
COMMISSION APPROVED.
- b. Rite Aid, 356 Lafayette Road, Hampton, NH.
Combination License #3095247.
Licensed pursuant to RSA 178:18.
Cited for violation of RSA 179:5, I - sold alcoholic beverage to a minor during a compliance check.
Date of violation: April 15, 2010.
Case #: 10-230-OF.
VERBAL WARNING, FOUR (4) POINTS ASSESSED TO THE LIQUOR LICENSE AND MANDATORY ATTENDANCE AT A MANAGEMENT TRAINING SEMINAR FOR A MANAGER WITHIN NINETY (90) DAYS OF THE DATE OF THE VIOLATION.
COMMISSION APPROVED.

7. **TOBACCO COMPLIANCE CHECKS:**

None

8. **NEW LICENSES:**

- a. For Tobacco Use Only LLC,
345 Suncook Valley Road, Unit 2, Chichester, NH 03258.
To be issued Retail Tobacco License #113317 pursuant to RSA 178:19-a.
Recommendation: Approval.
COMMISSION APPROVED.
- b. MaryJane Hill DBA Wild Goose Country Store,
77 Main Street, Sunapee, NH 03782.
To be issued Retail Wine License #3153546 pursuant to RSA 178:19.
Recommendation: Approval.
COMMISSION APPROVED.
- c. Pavan, Inc. DBA A1 Stateline Convenience,
134 Lafayette Road, Seabrook, NH 03874.
To be issued Combination Off-Premise Beverage/Wine/Tobacco License #3257747 pursuant to RSA 178:18.
Recommendation: Approval.
COMMISSION APPROVED.

9. **REQUESTS FOR SOLICITORS/REPRESENTATIVE AND DIRECT SHIPPER APPLICATION:**

- a. LaBatt USA Operating Co. LLC DBA Labatt USA,
50 Fountain Plaza, Suite 900, Buffalo, NY 14202.
To be issued Beverage Vendor License #51331 pursuant to RSA 178:15.
Recommendation: Approval.
COMMISSION APPROVED.

- b. Moonlight Meadery LLC,
4 Sheridan Drive, Londonderry, NH 03053.
To be issued Wine Manufacturer License #563230 pursuant to RSA 178:8.
Recommendation: Approval.
COMMISSION APPROVED.
- c. Shipyard Brewing Company LLC,
86 Newbury Street, Portland, ME 04101.
To be issued Beverage Vendor License #51131 pursuant to RSA 178:15.
Recommendation: Approval.
COMMISSION APPROVED.

10. REQUESTS FOR CANCELLATION OF PERMITS:

- a. Evergreen Vineyards, 2803 NE Orchard Avenue, McMinnville, OR.
Direct Shipper Permit #8103033.
Licensed pursuant to RSA 178:27.
Cited for violation of RSA 178:27, V – failed to file a Direct Shipper Report by the 10th of the following month.
Date of violation: March 25, 2010.
Case #: 10-181-OF
FAILURE TO PAY \$100 ADMINISTRATIVE FINE.
COMMISSION APPROVED.
- b. Zepaltas Wines, 2738 Canterbury Drive, Santa Rosa, CA.
Direct Shipper Permit #8153433.
Licensed pursuant to RSA 178:27.
Cited for violation of RSA 178:27, V – failed to file a Direct Shipper Report by the 10th of the following month.
Date of violation: February 22, 2010
Case #: 10-123-OF
FAILURE TO PAY \$100 ADMINISTRATIVE FINE.
COMMISSION APPROVED.

11. PETITIONS FOR COMMISSION APPROVAL:

- a. Bahra Restaurant, Inc. DBA Shalimar of North Conway,
2197 White Mountain Highway, North Conway, NH 03860.
Restaurant On-Premise Beverage/Wine License #1375003.
Licensed pursuant to RSA 178:20.
Requests approval for an outside area, to wit, an outside deck area with a seating capacity of 16 sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
Recommendation: Approval.
COMMISSION APPROVED.
- b. Bayside Grill & Tavern, Inc.,
51 Mill Street, Wolfeboro, NH 03894.
Restaurant On-Premise Cocktail Lounge License #1401903.
Licensed pursuant to RSA 178:22.
Requests approval for an outside area, to wit, an outside patio area with a seating capacity of 113 sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
Recommendation: Approval.
COMMISSION APPROVED.

- c. Crepes Ooh La La LLC,
2633 White Mountain Highway, North Conway, NH 03860.
Restaurant On-Premise Beverage/Wine License #1393803.
Licensed pursuant to RSA 178:20.
Requests approval for an outside area, to wit, an outside deck area with a seating capacity of 4 sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
Recommendation: Approval.
COMMISSION APPROVED.
- d. First Chance Convenience LLC,
18-10 Bridge Street, Unit D, Pelham, NH 03076.
Combination Off-Premise Beverage/Wine License #3232347.
Licensed pursuant to RSA 178:18.
Retail Tobacco License #659217.
Licensed pursuant to RSA 178:19-a.
Requests approval for authorization to transfer business location, to wit, to close the current business and transfer the business and supplies from 18-10 Bridge Street, Unit D, Pelham, NH to 18-10 Bridge Street, Unit 1, Pelham, NH pursuant to RSA 178:29, VIII.
Recommendation: Approval.
COMMISSION APPROVED.
- e. Milton Order of Moose 1298 DBA Loyal Order of Moose 1298,
Route 125, Milton, NH 03851.
Social Club On Premises Cocktail Lounge License #31401.
Licensed pursuant to RSA 178:22, V(h).
Requests approval for authorization to transfer business location, to wit, to close the current business and transfer the business and supplies from Route 125, Milton, NH to 288 White Mountain Highway, Milton, NH pursuant to RSA 178:29, VIII.
Recommendation: Approval.
COMMISSION APPROVED.
- f. Rigione's Galley Restaurant, Inc.,
405 Union Avenue, Laconia, NH 03246.
Restaurant On-Premise Cocktail Lounge License #1167303.
Licensed pursuant to RSA 178:22.
Requests approval for an outside area, to wit, an outside tented area from June 9, 2010 through June 25, 2010 with a seating capacity of 30 sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
Recommendation: Approval.
COMMISSION APPROVED.
- g. Scott E. Wheeler DBA Malarkey's Village Café,
54 Main Street, Antrim, NH 03440.
Restaurant On-Premise Beverage/Wine License #1402803.
Licensed pursuant to RSA 178:20.
Requests approval for an outside area, to wit, an outside deck area with a seating capacity of 12 sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
Recommendation: Approval.
COMMISSION APPROVED.
- h. Woodman's at Litchfield LLC,
454 Charles Bancroft Highway, Litchfield, NH 03052.
Restaurant On-Premise Cocktail Lounge License #1384103.
Licensed pursuant to RSA 178:22.
Requests approval for an outside area, to wit, an outside tented patio area from May 1, 2010 to November 1, 2010 with a seating capacity of 120 sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
Recommendation: Approval.
COMMISSION APPROVED.

12. COMMISSION DECISIONS AFTER AGENDA MEETING:

- a. Fraternal Order of Eagles, 36 South Main Street, Concord, NH.
Social Club License #7101.
Licensed pursuant to RSA 178:22, V(h).
Cited for violation of RSA 179:5, I - sold or served alcoholic beverage to an intoxicated person.
Cited for violation of RSA 179:50, I –allowed a person to loiter on the premises who was intoxicated or disorderly or who loitered for any illegal purpose.
Cited for violation of RSA 179:51 – did fail to maintain an orderly premises.
Date of violations: February 1, 2009.
Case #: 09-92-OF.

THE SETTLEMENT AGREEMENT PUT FORTH BY THE DIVISION OF ENFORCEMENT TO ATTORNEY JEREMEY MILLER, COUNSEL FOR THE LICENSEE, ON JANUARY 21, 2010 WAS EXECUTED BY THE LICENSEE AND RETURNED TO THE DIVISION ON MARCH 16, 2010; CONSEQUENTLY, THE HEARING SCHEDULED FOR MARCH 18, 2010 WAS CANCELLED.

SETTLEMENT WAS REACHED FOR THE FOLLOWING: FOR VIOLATION OF RSA 179:5, I, THE LICENSEE SHALL PAY AN ADMINISTRATIVE FINE OF \$1,000 WITH \$500 SUSPENDED FOR TWELVE (12) MONTHS PENDING NO LIKE VIOLATION, THE LICENSE TO SELL ALCOHOL SHALL BE SUSPENDED FOR THREE (3) DAYS AND HELD IN ABEYANCE FOR TWELVE (12) MONTHS PENDING NO LIKE VIOLATION, FOUR (4) POINTS SHALL BE ASSESSED TO THE LIQUOR LICENSE, ALL OFFICERS AND MANAGERS SHALL ATTEND A MANAGEMENT TRAINING SEMINAR (MTS) WITHIN THIRTY (30) DAYS OF ADJUDICATION AND ALL SERVERS SHALL ATTEND A TOTAL EDUCATION IN ALCOHOL MANAGEMENT (TEAM) SEMINAR WITHIN THIRTY (30) DAYS OF ADJUDICATION; FOR VIOLATION OF RSA 179:50, THE LICENSEE SHALL PAY AN ADMINISTRATIVE FINE OF \$250; AND FOR VIOLATION OF RSA 179:51, THE LICENSEE SHALL PAY AN ADMINISTRATIVE FINE OF \$250.

THE COMMISSION RETAINED THE AGREEMENT FOR REVIEW AND CONSIDERATION AND APPROVED IT ON 3/22/10.

13. COMMISSION DECISIONS AFTER HEARING:

None

14. MISCELLANEOUS ITEMS:

- a. Energy North, Inc.,
140 Daniel Webster Highway, Merrimack, NH 03054.
Combination Off-Premise Beverage/Wine License #3232347.
Licensed pursuant to RSA 178:18.
Requests approval for a felon exception for Edward Farrell as a person in charge pursuant to RSA 179:23 and Liq. 404.06(c).
Recommendation: Approval.
TABLED.
- b. Las Olas LLC DBA Las Olas Taqueria,
30 Portsmouth Avenue, Exeter, NH 03833.
Restaurant On-Premise Beverage/Wine License #1351203.
Licensed pursuant to RSA 178:20.
Requests approval for a felon exception for Justin R. Drew as a person in charge pursuant to RSA 179:23 and Liq. 404.06(c).
Recommendation: Approval.
TABLED.

- c. Stinson Mountain Sports Bar & Grill, 27 Main Street, Rumney, NH.
Restaurant On-Premise Cocktail Lounge License #1262003.
Licensed pursuant to RSA 178:22.
Cited for violation of RSA 179:5, I – sold or served alcoholic beverage to an intoxicated person.
Cited for violation of RSA 179:50, I - allowed a person to loiter on the premises who was intoxicated or disorderly or who loitered for any illegal purpose.
Date of violations: July 31, 2009.
Case #: 09-651-OF.
HEARING SCHEDULED FOR 4/22/10 WAS POSTPONED;
LIQUOR LICENSE WAS SURRENDERED ON MAY 3, 2010.
COMMISSION APPROVED.

15. **EXECUTIVE SESSION ITEMS:**

None